

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:09cr132
vs.	:	
	:	Chief Judge Susan J. Dlott
Marcus Sneed,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz filed on November 26, 2012 (Doc. 94), to whom this case was referred pursuant to 28 U.S.C. §636(b). Upon review of the Report and Recommendation, the Court hereby ADOPTS said Report and Recommendation.

Accordingly, defendants' § 2255 motion to vacate, set aside or correct a sentence is **GRANTED**. The final judgment in this case is **VACATED** and defendant is to be resentenced under the Fair Sentencing Act of 2010.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court